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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,543	01/30/2004	Earl R. Foust	NEW.102CIPDIV	6617
24062	7590	08/02/2006	EXAMINER	
CAMORIANO & ASSOCIATES 8225 SHELBYVILLE ROAD LOUISVILLE, KY 40222			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/768,543	Applicant(s) FOUST ET AL.	
	Examiner Winnie Yip	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-19, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's response filed on May 10, 2006.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Election

1. Applicant's election of invention group II, claims 20-23 in the reply filed on May 10, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election **without** traverse (MPEP § 818.03(a)).
2. Therefore, claims 1-19 and 24-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. (US Patent No.6,092,341).

Yamashita et al. teach a method for forming a concrete pole comprising steps of: providing a mold (5) having two semicircular cross-section mold halves (6, 7), a sleeve insert (13) disposed between the mold halves, the mold halves and the sleeve inserts being bolted together to form a mold (27) having two ends and an axis, forming a strand cage frame (4) by a plurality of elongate strands wound surrounded by a plurality of spiral stands, the strand cage being placed and encased between the sleeve insert and the mold halves, the elongate strands being tensioned at two ends of the mold, inserting concrete into the mold and spinning the mold about its axis to form a compact outer wall with a hollow interior, and measuring the wall thickness as required, and allowing the concrete to cure and dry after the spinning and tensioning the strand to form the concrete pole.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valle et al. (US patent No. 5,667,744) in view of Fukushima et al. (US Patent No. 3,592,243).

Valle et al. teach a method for forming a concrete pole comprising steps of: providing a mold (27) having two semicircular cross-section mold halves (46,48), a sleeve insert (28) disposed between the mold halves, the mold halves and the sleeve inserts being bolted together to form a mold (27) having two ends and an axis, forming a strand cage (20) being placed and encased between the sleeve insert and the mold halves, concrete is inserted into the mold and

Art Unit: 3636

spinning the mold about its axis to form a compact outer wall with a hollow interior, and measuring the wall thickness as required, and allowing the concrete to curve and dry after the spinning and tensioning the strand to form the concrete pole. Valle et al. does not specify the strand cage (20) including a plurality of elongated strands surrounded by a plurality of spiral strands and the strands being tensioned as claimed. Fukushima et al. teach a method of fabricating reinforcement for a concrete pole comprising a method of forming a strand cage comprising steps of placing a plurality of elongated reinforcing strands (2) extending through holes in end plates (T) and being tensioned held by chucks (31), and a plurality of spiral strands (1) around the elongated reinforcing strands, the strands being supported and rotated with tension added in the longitudinal direction to form a horizontal disposed strand cage. It would have been obvious to one ordinary skill in the art, at the time the invention was made to modify the method for forming a concrete pole of Valle et al. having the strand cage (20) formed by a plurality of elongated strands around by a plurality of spiral strands and the ends of the strands being tensioned being held in support ring by chucks as taught by Fukushima et al. for providing stronger reinforcement support to the concrete pole.

Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cazaly '804, Oliphant et al. '875, and Pohlman et al. '347 teach various concrete poles comprising a cage frame having elongate strands and spiral strands being embedded into the concrete as similar to the claimed invention. Rotondo et al. '579, Van Buren '786, Japanese Patent No. 6-63672, Japanese Patent No. 5-16130, and Japanese Patent No. 2-295705 teach

Art Unit: 3636


various methods of forming a concrete pole comprising a mold and strand cage disposed between the mold and concrete being inserted in the to mold as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Winnie Yip
Primary Examiner
Art Unit 3636

wsy
July 24, 2006